

CN 215 – Attaching Alaska Native Claims Settlement Act (ANCSA) Dividends

Subject: **Attaching Alaska Native Claims Settlement Act (ANCSA) Dividends**

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Approved: _____
Georgiann DeKay, Acting Director

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Frequently Asked Questions

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I. Introduction

A. What is the background of this CN?

Some Alaska Native NCPs receive funds from Alaska Native Corporations in the form of shareholder dividends (43 U.S.C. Chapter 33). DCS may attach shareholder dividends for child support obligations in some situations. Federal law (43 U.S.C. 1606 (h) (1) (B)) and case law (Doyon v. Alaska, No F89-047 CIV, District Court of Alaska 1991) define very specific circumstances and processes under which we may attach these funds for child support purposes, and DCS wants to attach these funds whenever possible.

In the past, DCS has not had procedures outlined for staff to attach dividends of Alaska Native NCPs living in Washington State. This policy outlines DCS guidelines and procedures for collecting these funds.

Please contact your Tribal Liaison or Brady Rossnagle, ESA State Tribal Relations Unit (STRU) via e-mail, brrossnbx@dshs.wa.gov, or telephone, (360) 413-3115, if you have questions about this CN.

B. Where do I place this in my Handbook?

1. Place this notice in front of Chapter 13.
2. Note on the Canary Notice Control Sheet the subject, date, and placement of this notice in your Handbook.
3. The text of this notice will be available on the DCS intranet.
4. We have highlighted affected sections of the Support Enforcement Handbook in the intranet presentation, with links to this CN.

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II. Attaching ANCSA Dividends

This section describes how to attach Alaska Native Claims Settlement Act (ANCSA) dividends.

Laws	43 USC Chapter 33 (http://www4.law.cornell.edu/uscode/43/1606.html) Doyon v. Alaska , No. F89-047 CIV (D. Alaska 1991) 45 CFR 302.36 45 CFR 303.7 Chapter 26.21 RCW Uniform Interstate Family Support Act WAC 388-14A-1005 WAC 388-14A-1050 ACF RPM 92-21 Query Regarding the Effect of ANCSA Amendments on Child Support and Public Assistance Services
Policy	DCS may only attach shareholder dividends from Alaska Native Corporations by court order. A state must not attach these funds using an administrative process when there is no court order. DCS may only attach dividends for nonassistance current child support or nonassistance arrears. DCS may apply dividends to the custodian of an Alaska Native or a descendant of a Native, but cannot apply the funds to TANF current or arrears.
Procedure	Initiate an Interstate Referral (Child Support Enforcement Transmittal #1 - Initial [SES1]Request , DSHS 18-570 to Alaska to request a court order transferring NCP stockholder benefits to each associated nonassistance CP.
Visual Aids	Tribal Relations Internet web site (http://www.wa.gov/dshs/dcs/tribal/) Map of Regional Corporations & Indian Tribes within Corporations (http://www.kstrom.net/isk/maps/ak/alaska.html) Alaska Native Regional Corporation web sites (http://www.ciri.com/sites/sites.htm) DOI BIA web site http://www.doi.gov/bia/areas/TLeader.pdf (Note: the first page of this file may show up blank)
Automated Actions	
SEMS Screens	<u>CC</u>, <u>BI</u>, <u>BC</u>, <u>IA</u>, <u>OR</u>
Forms Used	<u>18-570</u> , <u>18-577</u> , <u>18-571</u>
Hearing and Conference Board Rights	Conference Board for debt amount issues.
See Also	Chapter 10 - Collection Tools and Assets Chapter 15 – Interstate
Contact for more information:	Your Tribal Liaison or ESA STRU (360) 413-3115

CN 215 – Attaching Alaska Native Claims Settlement Act (ANCSA) Dividends**II. Attaching ANCSA Dividends****A. What are ANCSA Dividends?**

1. ANCSA Dividends are dividends or other distributions made by some Alaska Native Corporations to their shareholders. Under the Alaska Native Claims Settlement Act (ANCSA) (<http://www4.law.cornell.edu/uscode/43/ch33.html>) there are definitions, rules, and restrictions regarding these funds.
2. Some Alaska Native NCPs live in Washington State and receive these shareholder dividends from Alaska Native Corporations.

B. Which Alaska Native Corporations distribute dividends and how often do they distribute them?

1. Most Alaska Native Corporations do not distribute regular or significant dividends to shareholders, but some do. **Examples:** Cook Inlet Region Inc. (CIRI), SeaAlaska, Doyon Corporation, and Arctic Slope Regional Corporation usually issue quarterly dividends.
2. Each corporation determines the distribution of its own shareholder dividends. They may give dividends monthly, quarterly, yearly, etc. The dividend amount per shareholder may vary from under \$100 to over \$50,000.

C. How do I find out about these funds?

1. Custodial parents are often the best source of information regarding these dividends. You may review case information located in referrals, case comments, and letters.
2. You may also discover these funds through media publications, press releases, or by calling Alaska Native Corporations, or visiting their web sites (for those that have them).
 - The Cook Inlet Region Inc. (CIRI) web site (<http://www.ciri.com/index2.htm>) has links to some Alaska Native Regional Corporation web sites (<http://www.ciri.com/sites/sites.htm>).
3. If you need assistance in identifying a telephone number or address for an Alaska Native Corporation, you may contact your Tribal Liaison or ESA STRU.
4. DCS cannot require the Alaska Native Corporations to give states notice prior to distribution.

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D. Under what circumstances can I consider attaching ANCSA Dividends?

1. You need a court order transferring ownership of stockholder benefits to the custodial parent of a Native or a descendant of a Native. DCS may not attach dividends using an administrative process without an Alaska court order.
2. You may only attempt to attach dividends for nonassistance current child support or arrears. You may not attach dividends to apply to TANF current or arrears.

E. How do I attach these funds?

1. Complete an **Interstate Referral (Child Support Enforcement Transmittal #1 - Initial Request)**, DSHS 18-570 for each associated CP with nonassistance arrears.
 - a. In the Action section, check boxes 6A (Registration of Foreign Support Order for Enforcement Only) and 10 (Other).
 - b. Following box 10 (Other), mark “ANCSA Order and Withholding Notice.”
 - c. In Section VII, Additional Case Information, list the Alaska Native Corporation(s) from which the NCP may receive dividends.
2. Send this referral to the Alaska Interstate Central Registry.
3. Include all three of the following documents with the referral:
 - a. **Registration Statement**, DSHS 18-577 signed by the CP.
 - b. A certified copy of the child support order(s).
 - c. A certified copy of a month-by-month debt calculation (for the nonassistance portion of the debt).
4. When the Alaska Child Support Enforcement Division (CSED) receives the referral, they will send a request to their Office of the Attorney General for an ANCSA order for each CP.
 - After the order(s) are entered, Alaska CSED will send an **Order to Withhold** to the Alaska Native Corporation(s).

F. How long does the ANCSA Order and Withholding Notice remain in effect?

1. The ANCSA Order and Withholding Notice remains in effect until released by Alaska CSED.
2. Once an ANCSA order is entered regarding a particular NCP and CP, Alaska CSED may send the same order to a Native Corporation at any point in the future.
 - They do not have to obtain a new order. **Note:** An NCP may receive distributions from more than one corporation.

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G. How do I ensure that DCS does not apply ANCSA dividends to TANF current or arrears?

1. Set a Special Instruction (**SI**) to prevent misapplication to TANF current or arrears.
2. If the amount sent to DCS is greater than the amount owed for nonassistance current support and arrears, refund the difference to the NCP.

H. May I take additional collection action on these cases?

1. Yes, you may use any other available collection remedies.
2. Notify Alaska CSED of additional child support payments received using the **Child Support Enforcement Transmittal #2 – Subsequent Actions**, DSHS 18-571.

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Frequently Asked Questions

1. Why does this policy limit collection to non-assistance debts?

Federal law (43 U.S.C. 1606 (h) (1) (B)) and case law (Doyon v. Alaska, No F89-047 CIV, District Court of Alaska 1991) restrict a court decree transferring ownership of stock to another Native or descendant of a Native to satisfy a child support obligation. A state may not attempt to have dividends or distributions ordered to be transferred directly to a state by lien execution or assignment.

2. Can DCS garnish dividends or distributions already received by an NCP? For example, could DCS attach an NCP's bank account that contained these funds?

Yes, once a Native Corporation distributes cash dividends to an NCP they are attachable for child support purposes.

3. On existing initiating interstate cases, can DCS assume that Alaska CSED will automatically withhold from these funds?

No, if DCS has information that the NCP may be receiving ANCSA Dividends from a Native Corporation, contact Alaska CSED. Verify that they have entered an ANCSA order and issued a Withholding Notice for an NCP that has a nonassistance arrears debt.

4. How does DCS notify Alaska CSED of changes in the nonassistance debt?

DCS may notify Alaska CSED of updates in the nonassistance debt using the **Child Support Enforcement Transmittal #2 - "Subsequent Actions"**, DSHS 18-571.

5. Can we send an Interstate Referral to Alaska CSED if the NCP resides in another state, but is a member of an Alaska Native Corporation?

Yes, DCS may ask Alaska to attach ANCSA Dividends, even if the NCP does not reside in Alaska.

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[SES1]10/9/01 – changed form name here in the grid per Martha.